

Case No. F3342(C)

REMARKS

Reconsideration of the application, as amended, is respectfully requested.

Claims 1 and 4 have been amended to improve their form, in view of the informalities cited by the Office.

On page 15, lines 4-5, the dimensions of the cylindrical type cup are given as "height 95cm, bottom outside diameter 63cm, top outside diameter 46mm." In fact the units of the height and bottom outside diameter should be mm, not cm. Both the error and the correction are obvious since a cup could not reasonably be 95cm high and have a diameter of 63cm, particularly if the top outside diameter is 46 mm.

Claim 1 recites a frozen confectionery product comprising a plurality of discrete water ice confections which have an average volume of less than 1ml. The Office appears to have ignored this recited feature. In this respect, it may be helpful to consider the discussion of these types of products on page 1, lines 15-20, and from page 8, line 28 to page 9, line 5 and to the examples. It is also important to point out that 1ml is a small volume. In contrast, a typical single serve frozen confection product has a volume of 50-100ml.

Lillford does not discuss frozen confectionery products comprising a plurality of discrete pieces. Lillford discloses mixes which are packaged as single portions in pack sizes of 10 to 1000g (col. 5, lines 24-25). Firstly, these are single portions. The Office points to no mention whatsoever by Lillford of a product comprising a plurality of discrete pieces.

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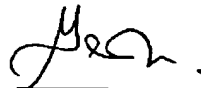
Secondly, water ice mixes have a density of the order of 1g/ml (i.e. similar to that of water). Thus a 10g pack has a volume of about 10ml, which is not less than 1ml.

Lillford also discloses packs containing multiple portions, for which pack sizes of up to 500kg may be suitable (col. 5, lines 25-26). The Office points to no suggestion by Lillford that the multiple portions should have an average volume of less than 1 ml. In fact, the large size of the pack suggests that the portions are each of the size of the single portions previously mentioned (10-1000g).

Therefore claim 1 and dependent claims 2-12 are novel over Lillford.

In view of the foregoing, it is respectfully requested that the application be allowed.

Respectfully submitted,



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